

STATE OF IOWA
PROPERTY ASSESSMENT APPEAL BOARD

Arlen & Sharon Yost,
Petitioners-Appellants,

v.

Black Hawk County Board of Review,
Respondent-Appellee.

ORDER

Docket No. 11-07-1477
Parcel No. 8913-21-154-003

On July 5, 2012, the above-captioned appeal came on for consideration before the Iowa Property Assessment Appeal Board. The appeal was conducted under Iowa Code section 441.37A(2)(a-b) and Iowa Administrative Code rules 701-71.21(1) et al. Petitioners-Appellants Arlen and Sharon Yost requested their appeal be considered without hearing. They were self-represented. Attorney David Mason was counsel for the Black Hawk County Board of Review. The Appeal Board now having examined the entire record and being fully advised, finds:

Findings of Fact

Arlen and Sharon Yost, owners of property located at 419 Christensen Road, Waterloo, Iowa, appeal from the Black Hawk County Board of Review decision reassessing their property. According to the property record card, the subject property is a two-story, frame dwelling built in 1981 with 3158 square feet of total living area. It has a 480 square-foot, attached garage. The dwelling has a full basement with 825 square feet of finish, a 168 square-foot, open porch, and a 288 square-foot, wood deck. The dwelling has a 3+10 (good) quality grade and is in normal condition. The property also has a 192 square-foot shed and is situated on a 0.238 acre site.

The real estate was classified as residential on the initial assessment of January 1, 2011, and valued at \$309,760, representing \$22,500 in land value and \$287,260 in dwelling value.

Yosts protested to the Board of Review on the ground that the property is assessed for more than the value authorized by law under Iowa Code section 441.37(1)(b). They claimed the actual value of the property was \$210,560, allocated \$18,750 to land value and \$191,810 to dwelling value. The Board of Review denied the protest.

Yosts then filed their appeal with this Board on the same ground, but revised their value request to \$214,310, allocated \$22,500 to land value and \$191,810 to improvement value.

Yosts report they purchased the property in March 2008 for \$210,000 and provided a copy of the purchase agreement for verification. They indicated the purchase was an arm's-length transaction during normal market conditions. They report they have not improved the property since its purchase but have only painted and done routine maintenance. We note the sale price of a property in an arm's-length transaction is to be considered in determining its fair market value, but does not conclusively establish the value. The subject property's record card does not mention anything to indicate the sale, albeit dated, was abnormal. Yosts list factors they believe reduce the value of their property including: a long narrow, one-block street without a turnaround; a narrow lot; and a duplex across the street. They report the house across the street has been vacant and for sale since 2008. However, they did not provide any evidence to support their estimate of the subject property's current value.

The Board of Review did not submit any new evidence.

Reviewing all the evidence, we find the preponderance of the evidence does not support the Yosts' claim of over-assessment.

Conclusions of Law

The Appeal Board applied the following law.

The Appeal Board has jurisdiction of this matter under Iowa Code sections 421.1A and 441.37A (2011). This Board is an agency and the provisions of the Administrative Procedure Act apply to it. Iowa Code § 17A.2(1). This appeal is a contested case. § 441.37A(1)(b). The Appeal Board determines anew all questions arising before the Board of Review related to the liability of the property to assessment or the assessed amount. § 441.37A(3)(a). The Appeal Board considers only those grounds presented to or considered by the Board of Review. § 441.37A(1)(b). But new or additional evidence may be introduced. *Id.* The Appeal Board considers the record as a whole and all of the evidence regardless of who introduced it. § 441.37A(3)(a); *see also Hy-vee, Inc. v. Employment Appeal Bd.*, 710 N.W.2d 1, 3 (Iowa 2005). There is no presumption that the assessed value is correct. § 441.37A(3)(a).

In Iowa, property is to be valued at its actual value. Iowa Code § 441.21(1)(a). Actual value is the property's fair and reasonable market value. *Id.* "Market value" essentially is defined as the value established in an arm's-length sale of the property. § 441.21(1)(b). Sale prices of the property or comparable properties in normal transactions are to be considered in arriving at market value. *Id.* If sales are not available, "other factors" may be considered in arriving at market value. § 441.21(2). The assessed value of the property "shall be one hundred percent of its actual value." § 441.21(1)(a).

In an appeal that alleges the property is assessed for more than the value authorized by law under Iowa Code section 441.37(1)(b), there must be evidence that the assessment is excessive and the correct value of the property. *Boekeloo v. Bd. of Review of the City of Clinton*, 529 N.W.2d 275, 277 (Iowa 1995).

In *Riley v. Iowa City Bd. of Review*, 549 N.W.2d 289, 290 (Iowa 1996), the Court determined that, "It is clear from the wording of Iowa Code section 441.21(1)(b) that the sales price of the subject property in a normal sales transaction, just as the sale price of comparable property, is to be considered in arriving at market value but does not conclusively establish that value." Because Yosts' purchased the property nearly three years prior to the 2011 assessment date, the purchase price is dated and unreliable without an adjustment for time of sale (market conditions). Yosts failed to offer any other evidence to support their value conclusion.

Viewing the evidence as a whole, we determine that the preponderance of the evidence does not support Yosts' claim of over-assessment. Therefore, we affirm the property assessment as determined by the Board of Review. The Appeal Board determines that the property assessment value as of January 1, 2011, is \$309,760, representing \$22,500 in land value and \$287,260 in dwelling value.

THE APPEAL BOARD ORDERS that the January 1, 2011, assessment as determined by the Black Hawk County Board of Review is affirmed.

Dated this 16 day of August 2012.

Jacqueline Rypma
Jacqueline Rypma, Presiding Officer

Karen Oberman
Karen Oberman, Board Member

Richard Stradley
Richard Stradley, Board Chair

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Certificate of Service	
The undersigned certifies that the foregoing instrument was served upon all parties to the above cause & to each of the attorney(s) of record herein at their respective addresses disclosed on the pleadings on <u>8-16</u> , 201 <u>2</u>	
By:	<input checked="" type="checkbox"/> U.S. Mail <input type="checkbox"/> FAX
	<input type="checkbox"/> Hand Delivered <input type="checkbox"/> Overnight Courier
	<input type="checkbox"/> Certified Mail <input type="checkbox"/> Other
Signature	<u>[Signature]</u>